

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

EVA PALMER)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 6:20cv00031
)	
LIBERTY UNIVERSITY, INC.)	
)	
Defendant.)	

MOTION TO AMEND OR ALTER

The Estate of Eva Palmer, by her Executor Laura Bowes,¹ (“Palmer”), hereby moves this Court, pursuant to Rule 59(e) of the Federal Rules of Civil Procedure², to alter or amend its October 11, 2023 Order regarding defendant’s Bill of Costs. As grounds for this motion, Palmer states as follows:

1. On October 11, 2023, this Court entered an order granting in part, and denying in part, defendant’s Bill of Costs.

2. In doing so, however, this Court did not mention, or otherwise discuss, in its Order Palmer’s initial argument in opposition to the Bill of Costs – that *no costs* should be awarded at all because this was a “close case.” *See* Dkt. Entry 51, p.3-4, ¶¶ D.4-D.5. It appears from the Court’s order that it did not consider or rule on this argument.

3. Palmer submits that this Court’s failure to consider or rule on her primary argument about costs would constitute an abuse of discretion or legal error if Palmer were to directly appeal

¹ Eva Palmer passed away earlier this year, and the Fourth Circuit subsequently substituted Ms. Bowes, as the Executor of Ms. Palmer’s Estate.

² This motion is timely filed within 28 days of this Court’s October 11, 2023 Order. FED.R.CIV.P. 59(e).

the October 11, 2023 order. Thus, in order to pre-empt any concerns about whether or not this Court did, or did not consider Palmer's primary argument in opposition to defendant's Bill of Costs, Palmer respectfully moves to have this Court amend and/or alter its October 11, 2023 so as to make clear its position about Palmer's argument that no costs at all should be awarded to defendant because this was a close case.

WHEREFORE, for the reasons set forth above, this Court should amend and/or alter its October 11, 2023 Order regarding costs so as to consider Plaintiff's argument that no costs should be awarded because this was a "close case," and in doing so, should decline to award any costs at all to defendant.

Respectfully submitted,

ESTATE OF EVA PALMER

By: s/ Richard F. Hawkins, III
Virginia Bar Number: 40666
THE HAWKINS LAW FIRM, PC
2222 Monument Avenue
Richmond, Virginia 23220
(804) 308-3040 (telephone)
(804) 308-3132 (facsimile)
Email: rhawkins@thehawkinslawfirm.net

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that, on the 8th day of November, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF systems which will send notification of such filing to the following:

King F. Tower, Esq. (VSB No. 38767)
ktower@woodsrogers.com
Leah M. Stiegler, Esq. (VSB No. 89602)
lstiegler@woodsrogers.com
WOODS ROGERS PLC
10 South Jefferson Street, Suite 1400
Roanoke, Virginia 24011
Telephone: (540) 983-7600
Facsimile: (540) 983-7711

Counsel of record for Defendant

s/ Richard F. Hawkins, III
Virginia Bar Number: 40666
THE HAWKINS LAW FIRM, PC
2222 Monument Avenue
Richmond, Virginia 23220
(804) 308-3040 (telephone)
(804) 308-3132 (facsimile)
Email: rhawkins@thehawkinslawfirm.net

Counsel for Plaintiff